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REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-FIFTH SESSION

Granting of travel assistance to least developed and other developing countries that are members of the United Nations Commission on International Trade Law

Report of the Secretary-General

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I. INTRODUCTION

1. The United Nations Commission on International Trade Law (UNCITRAL), when discussing at its twenty-third session the United Nations Decade of International Law, noted that the activities, suggested by the General Assembly in its resolution 44/23 of 17 November 1989, relating to the teaching, study, dissemination, wider appreciation and promotion of international trade law would have their impact in all regions, but that they would be of greatest significance in developing countries. In the same spirit, it was suggested that an attempt should be made to finance the travel of experts from developing countries, and especially from States Members of the Commission, to the sessions of the Commission and its working groups, so that those States would be in a better position to contribute actively to the creation of international trade law. 1/

2. Pursuant to a request expressed in paragraph 5 of resolution 45/42 of 28 November 1990, the Secretary-General submitted to the General Assembly at its forty-sixth session a report (A/46/349) analysing possible ways by which assistance could be given to developing countries that were members of the Commission, in particular least developed countries, so that they might attend meetings of the Commission and its working groups, bearing in mind the arrangements that existed for United Nations bodies generally, pursuant to section IX of resolution 43/217 of 21 December 1988.

3. At its forty-sixth session, the General Assembly adopted its resolution 46/56 B, which states, inter alia, the following:

> "The General Assembly,
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> "...
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> "Concerned about the relatively low incidence of expert representation from developing countries at sessions of the Commission and particularly of its working groups during recent years, due in part to inadequate resources to finance the travel of such experts,
>
> "Convinced that the fulfilment of the mandate of the Commission, in particular the preparation of universally acceptable legal texts, requires the active participation of representatives from all regions and the various legal and economic systems in an equitable manner, and that representatives need to have special expertise in the field of international trade law, in view of the complex and technical nature of the work of the Commission and its working groups,
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> "Bearing in mind the arrangements on reimbursement of travel expenses that exist for certain United Nations bodies, pursuant to section XI of its resolution 43/217 of 21 December 1988,
>
> "...

"Requests the Fifth Committee, in order to ensure full participation by all Member States, to consider granting travel assistance, within existing resources, to the least developed countries that are members of the Commission, as well as, on an exceptional basis, to other developing countries that are members of the Commission at their request, in consultation with the Secretary-General, to enable them to participate in the sessions of the Commission and its working groups,

"Recommends that the Commission rationalize the organization of its work and consider, in particular, the holding of consecutive meetings of its working groups."

4. General Assembly resolution 46/56 B also requested the Secretary-General to submit a report on the implementation of the resolution to the General Assembly at its forty-seventh session. The Secretary-General has brought the decision of the Assembly to the attention of the United Nations Commission on International Trade Law, which considered the rationalization of its work at its session held from 4 to 22 May 1992 (A/47/17). 2/ The results of the Commission's consideration are reported in section II below.

5. The Secretary-General has also included this question in the agenda of the General Assembly under the item entitled "Programme budget for biennium 1992-1993" for consideration by the Fifth Committee. Since UNCITRAL is an intergovernmental body whose members are nominated directly by their Governments, granting travel assistance would constitute an exception to the existing policy established by the General Assembly whereby travel and subsistence expenses are generally paid in respect of members who serve in an individual capacity. Consequently, an exception would need to be authorized to the rules governing the payment of travel and related expenses of representatives attending United Nations meetings, as adopted by the General Assembly and set out in ST/SGB/107/Rev.6. Furthermore, pursuant to General Assembly decision 46/450 of 20 December 1991, the Fifth Committee will review the existing system of payment of travel and related expenses.

6. The Fifth Committee may wish to consider this question in conjunction with the report to be submitted by the Secretary-General for the comprehensive review of existing arrangements for payment of travel and related expenses. To assist the Fifth Committee in its consideration of travel assistance for members of UNCITRAL, the report submitted by the Secretary-General to the Assembly at its forty-sixth session (A/46/349) is being made available to the Fifth Committee.

II. RECOMMENDATION FOR RATIONALIZING THE WORK OF THE COMMISSION

7. The Commission discussed at its twenty-fifth session in New York (4-22 May 1992) the recommendation made in paragraph 3 of General Assembly resolution 46/56 B that the Commission rationalize the organization of its work and consider, in particular, the holding of consecutive meetings of its

working groups. The following is the excerpt from the report of the Commission (A/47/17) on that point:

"186. The Commission took note with appreciation of General Assembly resolution 46/56 of 9 December 1991 on the report of the United Nations Commission on International Trade Law on the work of its twenty-fourth session. In particular, the Commission took note of the request by the General Assembly that the Fifth Committee, in order to ensure full participation by all Member States, consider granting travel assistance, within existing resources, to the least developed countries that are members of the Commission, as well as, on an exceptional basis, to other developing countries that are members of the Commission at their request, in consultation with the Secretary-General, to enable them to participate in the sessions of the Commission and its working groups. The Commission further took note of the recommendation of the General Assembly, expressed in paragraph 3 of resolution 46/56 B, that the Commission rationalize the organization of its work and consider, in particular, the holding of consecutive meetings of its working groups, and of the Assembly's request, in paragraph 4 of the same resolution, that the Commission submit a report on the implementation of the resolution to the Assembly at its forty-seventh session.

"187. The Commission considered the recommendation of the General Assembly contained in paragraph 3 of resolution 46/56 B. It was observed that the Commission had on two previous occasions, at its twenty-first session (1988) and at its twenty-third session (1990), considered the rationalization of its working methods, including the issue of whether the holding of consecutive meetings for its working groups was practicable and whether it could result in savings on the cost of the travel expenses for delegations to UNCITRAL meetings. The Commission had concluded that the holding of consecutive meetings for its working groups was impracticable. It was noted that because of the nature of the work assigned to each working group, delegations were normally composed of different experts. The holding of consecutive working group meetings would not result in a lesser number of experts travelling to such meetings and would not therefore result in savings on travel costs for delegations. It was further observed that even where the same experts might be able to travel to more than one working group meeting, the length of time that the experts might be required to be away from their duty stations, if working group meetings were to be consecutive, might be too long. Many experts might not be able to afford long periods of absence from their work. Moreover, it was observed that such a practice might encourage States to keep the same experts already attending one working group meeting for the following one, notwithstanding that those experts might not be the appropriate ones, to the detriment of the work of the Commission.

"188. The Commission further observed that the holding of consecutive working group meetings would not result in saving on staff travel costs, since different members of the UNCITRAL secretariat were normally assigned to service each working group. The members of the secretariat were customarily involved in the preparation of background research studies analysing various aspects of the subject under consideration by the working group to which they were assigned. It was noted that it would be impracticable to assign a member of staff who had not been involved in the preparation of documents relating to a particular working group to service that working group. The holding of consecutive working group meetings would not therefore result in a reduction in the number of members of the secretariat travelling to such meetings. It was suggested that the Commission should continue to consider its working methods and the rationalization of its work (see para. 187).

"189. The Commission was in general agreement with efforts to find ways and means by which assistance could be given to developing countries, in particular to the least developed countries, as well as, on an exceptional basis, to other developing countries that were members of the Commission, at their request, in consultation with the Secretary-General, to enable them to participate in the sessions of the Commission and its working groups. The view was expressed that such assistance would have to be considered in the context of the overall budget. It was also stated that recommendations on the subject might require consideration by the Fifth Committee of the General Assembly."

Notes

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 17 (A/45/17), para. 73.

2/ Ibid., Forty-seventh Session, Supplement No. 17 (A/47/17).